



February 26, 2016

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## ENGROSSED SENATE BILL No. 61

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DIGEST OF SB 61 (Updated February 24, 2016 5:05 pm - DI 75)

**Citations Affected:** IC 3-10; IC 3-11; IC 3-12.

**Synopsis:** Voting matters. Provides that when a voter casts a straight party ticket in a general or municipal election, the voter is casting a ballot for all candidates of that party whose names appear on the ballot, except candidates for offices in a county or municipality for which more than one individual can be elected (county council member at large; city common council member at large; town council member at large; township board member at large). Groups such offices together on the general election ballot, and requires a voter to cast an individual vote for each candidate for such offices for whom the voter wishes to vote. Revises ballot instructions to reflect the change in voting procedures. Provides that a county election board may require general instructions to voters that are required to be printed at the front of a ballot may instead be posted in each voting booth. Repeals superseded language related to split-ticket votes for declared write-in candidates. Specifies how voting systems required to make alterations to system  
(Continued next page)

**Effective:** Upon passage.

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### Walker, Head, Miller Pete

(HOUSE SPONSORS — RICHARDSON, SMITH M, OBER)

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January 5, 2016, read first time and referred to Committee on Rules & Legislative Procedure.

January 19, 2016, amended; reassigned to Committee on Elections.

January 25, 2016, amended, reported favorably — Do Pass.

January 28, 2016, read second time, amended, ordered engrossed.

January 29, 2016, engrossed.

February 1, 2016, read third time, passed. Yeas 33, nays 17.

#### HOUSE ACTION

February 8, 2016, read first time and referred to Committee on Elections and Apportionment.

February 25, 2016, amended, reported — Do Pass.

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ES 61—LS 6150/DI 13



## Digest Continued

firmware or software as a result of this amended procedure are to be tested and certified by the Indiana election commission for use in elections conducted after July 1, 2016. Updates references to incorporate amendments to the Voluntary Voting System Guidelines. Permits counties to continue to use certain voting systems whose certifications have expired if the voting system: (1) was approved by the Indiana election commission before October 1, 2017; (2) was acquired by the county before October 1, 2017; and (3) otherwise complies with Indiana election law and the federal Help America Vote Act. Makes technical corrections.



February 26, 2016

Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 61

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 3-10-1-19, AS AMENDED BY P.L.77-2014,  
2       SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       UPON PASSAGE]: Sec. 19. (a) The ballot for a primary election shall  
4       be printed in substantially the following form **described in this section**  
5       for all the offices for which candidates have qualified under IC 3-8.

6       **(b) The following shall be printed as the heading for the ballot**  
7       **for a political party:**

8               "OFFICIAL PRIMARY BALLOT

9               \_\_\_\_\_ Party **(insert the name of the political**  
10       **party)".**

11       **(c) The following shall be printed immediately below the**  
12       **heading required by subsection (b) or be posted in each voting**  
13       **booth as provided in IC 3-11-2-8(b):**

14               **(1)** For paper ballots, print: To vote for a person, make a voting  
15               mark (X or ✓) on or in the box before the person's name in the  
16               proper column.

17               **(2)** For optical scan ballots, print: To vote for a person, darken or

ES 61—LS 6150/DI 13



shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column.

(3) For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column.

(4) For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

~~Vote for one (1) only~~

**Representative in Congress**

☐ (1) AB \_\_\_\_\_

☐ (2) CD \_\_\_\_\_

☐ (3) EF \_\_\_\_\_

☐ (4) GH \_\_\_\_\_

~~(b)~~ (d) Local public questions shall be placed on the primary election ballot after the **heading and the** voting instructions described in subsection ~~(a)~~ (c) **(if the instructions are printed on the ballot)** and before the offices described in subsection ~~(e)~~ (g).

~~(e)~~ (e) The local public questions described in subsection ~~(b)~~ (d) shall be placed **as follows**:

(1) In a separate column on the ballot if voting is by paper ballot.

(2) After the **heading and the** voting instructions described in subsection ~~(a)~~ (c) **(if the instructions are printed on the ballot)** and before the offices described in subsection ~~(e)~~ (g), in the form specified in IC 3-11-13-11 if voting is by ballot card. ~~or~~

(3) As provided by either of the following if voting is by an electronic voting system:

(A) On a separate screen for a public question.

(B) After the **heading and the** voting instructions described in subsection ~~(a)~~ (c) **(if the instructions are printed on the ballot)** and before the offices described in subsection ~~(e)~~ (g), in the form specified in IC 3-11-14-3.5.

~~(d)~~ (f) A public question shall be placed on the primary election ballot in the following form:

(The explanatory text for the public question,  
if required by law.)

"Shall (insert public question)?"

☐ YES

☐ NO

~~(e)~~ (g) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:



- 1 (A) President of the United States.
- 2 (B) United States Senator.
- 3 (C) Governor.
- 4 (D) United States Representative.
- 5 (2) Legislative offices:
- 6 (A) State senator.
- 7 (B) State representative.
- 8 (3) Circuit offices and county judicial offices:
- 9 (A) Judge of the circuit court, and unless otherwise specified
- 10 under IC 33, with each division separate if there is more than
- 11 one (1) judge of the circuit court.
- 12 (B) Judge of the superior court, and unless otherwise specified
- 13 under IC 33, with each division separate if there is more than
- 14 one (1) judge of the superior court.
- 15 (C) Judge of the probate court.
- 16 (D) Prosecuting attorney.
- 17 (E) Circuit court clerk.
- 18 (4) County offices:
- 19 (A) County auditor.
- 20 (B) County recorder.
- 21 (C) County treasurer.
- 22 (D) County sheriff.
- 23 (E) County coroner.
- 24 (F) County surveyor.
- 25 (G) County assessor.
- 26 (H) County commissioner. This clause applies only to a county
- 27 that is not subject to IC 36-2-2.5.
- 28 (I) Single county executive. This clause applies only to a
- 29 county that is subject to IC 36-2-2.5.
- 30 (J) County council member.
- 31 (5) Township offices:
- 32 (A) Township assessor (only in a township referred to in
- 33 IC 36-6-5-1(d)).
- 34 (B) Township trustee.
- 35 (C) Township board member.
- 36 (D) Judge of the small claims court.
- 37 (E) Constable of the small claims court.
- 38 (6) City offices:
- 39 (A) Mayor.
- 40 (B) Clerk or clerk-treasurer.
- 41 (C) Judge of the city court.
- 42 (D) City-county council member or common council member.



(7) Town offices:

(A) Clerk-treasurer.

(B) Judge of the town court.

(C) Town council member.

~~(f)~~ **(h)** The political party offices with candidates for election shall be placed on the primary election ballot in the following order after the offices described in subsection ~~(e)~~: **(g)**:

(1) Precinct committeeman.

(2) State convention delegate.

~~(g)~~ **(i)** The local offices to be elected at the primary election shall be placed on the primary election ballot after the offices described in subsection ~~(f)~~: **(h)**.

~~(h)~~ **(j)** The offices described in subsection ~~(g)~~ **(i)** shall be placed **as follows**:

(1) In a separate column on the ballot if voting is by paper ballot;

(2) After the offices described in subsection ~~(f)~~ **(h)** in the form specified in IC 3-11-13-11 if voting is by ballot card. ~~or~~

(3) Either:

(A) on a separate screen for each office or public question; or

(B) after the offices described in subsection ~~(f)~~ **(h)** in the form specified in IC 3-11-14-3.5;

if voting is by an electronic voting system.

SECTION 2. IC 3-10-1-19.5, AS AMENDED BY P.L.190-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19.5. Notwithstanding section 19 of this chapter, the county election board may alter the prescribed ballot order to place the names of the candidates for the following offices before the names of the candidates for county judicial offices:

(1) Prosecuting attorney.

(2) Clerk of the circuit court.

(3) The county offices listed in section ~~19(e)(4)~~ **19(g)(4)** of this chapter.

SECTION 3. IC 3-11-2-8, AS AMENDED BY P.L.221-2005, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. **(a) Except as provided in subsection (b),** all written or printed instructions must be at the top of the ballot immediately below the statement required by section 7 of this chapter. No other instructions or writing may appear at any other place on the ballot, including the ballot for federal and state offices, except as specified by this title.

**(b) At the discretion of the county election board, general instructions to the voters required by this title to be placed at the**



**front of the ballot may be posted in writing in each voting booth instead of printing the instructions on the ballot.**

(c) The instructions must be in English and any other language that the board considers necessary, clear, concise, and written so that a voter will not be confused about the effect of the voter's voting mark and vote.

SECTION 4. IC 3-11-2-10, AS AMENDED BY P.L.219-2013, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Public questions shall be placed on the general election ballot in the following order after the statement described in section 7 of this chapter, and the instructions described in subsections (d) and (e) and section 8 of this chapter, **if instructions are printed on the ballot:**

(1) Ratification of a state constitutional amendment.

(2) Local public questions.

Each public question shall be placed in a separate column on the ballot.

(b) The name or title of the political party or independent ticket described in section 6 of this chapter shall be placed on the general election ballot after the public questions described in subsection (a). The device of the political party or independent ticket shall be placed immediately under the name of the political party or independent ticket. The instructions for voting a straight party ticket shall be placed to the right of the device, **if instructions are printed on the ballot.**

(c) The instructions for voting a straight party ticket must conform as nearly as possible to the following:

**"(1) To vote a straight (insert political party name) ticket for all (insert political party name) candidates on this ballot, except for candidates described in (2) below, make a voting mark on or in this circle and do not make any other marks on this ballot.**

**(2) To vote for any candidate for an at-large office (insert county council, city common council, town council, or township board if those offices appear on this ballot), you must make another voting mark for each candidate you wish to vote for. Your straight party vote will not count as a vote for any candidate for that office.**

**(3) If you wish to vote for a candidate seeking a nonpartisan office or on a public question, you must make another voting mark on the appropriate place on this ballot."**

(d) **Except as permitted under section 8(b) of this chapter**, if the ballot contains an independent ticket described in section 6 of this chapter and at least one (1) other independent candidate, the ballot must also contain a statement that reads substantially as follows: "A



1 vote cast for an independent ticket will only be counted for the  
 2 candidates for President and Vice President or governor and lieutenant  
 3 governor comprising that independent ticket. This vote will NOT be  
 4 counted for any OTHER independent candidate appearing on the  
 5 ballot."

6 (e) **Except as permitted under section 8(b) of this chapter**, the  
 7 ballot must also contain a statement that reads substantially as follows:  
 8 "A write-in vote will NOT be counted unless the vote is for a  
 9 DECLARED write-in candidate. To vote for a write-in candidate, you  
 10 must make a voting mark on or in the square to the left of the name you  
 11 have written in or your vote will not be counted."

12 (f) The list of candidates of the political party shall be placed  
 13 immediately under the instructions for voting a straight party ticket.  
 14 The names of the candidates shall be placed three-fourths (3/4) of an  
 15 inch apart from center to center of the name. The name of each  
 16 candidate must have, immediately on its left, a square three-eighths  
 17 (3/8) of an inch on each side.

18 (g) The circuit court clerk may authorize the printing of ballots  
 19 containing a ballot variation code to ensure that the proper version of  
 20 a ballot is used within a precinct.

21 SECTION 5. IC 3-11-2-12, AS AMENDED BY P.L.77-2014,  
 22 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 UPON PASSAGE]: Sec. 12. The following offices shall be placed on  
 24 the general election ballot in the following order after the public  
 25 questions described in section 10(a) of this chapter:

26 (1) Federal and state offices:

- 27 (A) President and Vice President of the United States.
- 28 (B) United States Senator.
- 29 (C) Governor and lieutenant governor.
- 30 (D) Secretary of state.
- 31 (E) Auditor of state.
- 32 (F) Treasurer of state.
- 33 (G) Attorney general.
- 34 (H) Superintendent of public instruction.
- 35 (I) United States Representative.

36 (2) Legislative offices:

- 37 (A) State senator.
- 38 (B) State representative.

39 (3) Circuit offices and county judicial offices:

- 40 (A) Judge of the circuit court, and unless otherwise specified  
 41 under IC 33, with each division separate if there is more than  
 42 one (1) judge of the circuit court.





- 1 (B) Judge of the superior court, and unless otherwise specified
- 2 under IC 33, with each division separate if there is more than
- 3 one (1) judge of the superior court.
- 4 (C) Judge of the probate court.
- 5 (D) Prosecuting attorney.
- 6 (E) Clerk of the circuit court.
- 7 (4) County offices:
- 8 (A) County auditor.
- 9 (B) County recorder.
- 10 (C) County treasurer.
- 11 (D) County sheriff.
- 12 (E) County coroner.
- 13 (F) County surveyor.
- 14 (G) County assessor.
- 15 (H) County commissioner. This clause applies only to a county
- 16 that is not subject to IC 36-2-2.5.
- 17 (I) Single county executive. This clause applies only to a
- 18 county that is subject to IC 36-2-2.5.
- 19 (J) County council member, **except as provided in section**
- 20 **12.4 of this chapter.**
- 21 (5) Township offices:
- 22 (A) Township assessor (only in a township referred to in
- 23 IC 36-6-5-1(d)).
- 24 (B) Township trustee.
- 25 (C) Township board member, **except as provided in section**
- 26 **12.4 of this chapter.**
- 27 (D) Judge of the small claims court.
- 28 (E) Constable of the small claims court.
- 29 (6) City offices:
- 30 (A) Mayor.
- 31 (B) Clerk or clerk-treasurer.
- 32 (C) Judge of the city court.
- 33 (D) City-county council member or common council member,
- 34 **except as provided in section 12.4 of this chapter.**
- 35 (7) Town offices:
- 36 (A) Clerk-treasurer.
- 37 (B) Judge of the town court.
- 38 (C) Town council member, **except as provided in section**
- 39 **12.4 of this chapter.**

40 SECTION 6. IC 3-11-2-12.2 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12.2. (~~a~~) Whenever  
 42 candidates are to be elected to an office that includes more than one (1)



district, the districts shall be placed on the ballot in alphabetical or numerical order, according to the designation given to the district.

(b) ~~Whenever candidates are to be elected to an office that includes both an at-large member and a member representing a district, the candidates seeking election as an at-large member shall be placed on the ballot before candidates seeking election to represent a district.~~

SECTION 7. IC 3-11-2-12.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 12.4. (a) This section applies whenever more than one (1) candidate may be elected to an office.**

**(b) The office shall be placed on the general election ballot after the offices described in section 12 of this chapter and before the offices described in section 12.9 of this chapter.**

**(c) The ballot shall contain a statement reading substantially as follows above the name of the first candidate: "To vote for any candidate for this office, you must make a voting mark for each candidate you wish to vote for. A straight party vote will not count as a vote for any candidate for this office."**

SECTION 8. IC 3-11-2-12.9, AS AMENDED BY P.L.194-2013, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 12.9. (a) School board offices to be elected at the general election shall be placed on the general election ballot after the offices described in section ~~12~~ 12.4 of this chapter with each candidate for the office designated as "nonpartisan".**

**(b) If the ballot contains a candidate for a school board office, the ballot must also contain a statement that reads substantially as follows: "To vote for a candidate for this office, make a voting mark on or in the square to the left of the candidate's name."**

SECTION 9. IC 3-11-7-4, AS AMENDED BY P.L.219-2013, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4. (a) Except as provided in subsection (b), a ballot card voting system must permit a voter to vote:**

- (1) except at a primary election, a straight party ticket for all of the candidates of one (1) political party by a single **voting** mark on each ballot card;
- (2) for one (1) or more candidates of each political party or independent candidates, or for one (1) or more school board candidates nominated by petition;
- (3) a split ticket for the candidates of different political parties and for independent candidates; or
- (4) a straight party ticket and then split that ticket by casting individual votes for candidates of another political party or



independent candidate.

**(b) A ballot card voting system must require that a voter who wishes to cast a ballot for a candidate for election to an at-large district on a:**

- (1) county council;**
- (2) city common council;**
- (3) town council; or**
- (4) township board;**

**make a voting mark for each individual candidate for whom the voter wishes to cast a vote. The ballot card voting system may not count any straight party ticket voting mark as a vote for any candidate for an office described by this subsection.**

~~(b)~~ **(c)** A ballot card voting system must permit a voter to vote:

- (1) for all candidates for presidential electors of a political party or an independent ticket by making a single voting mark; and
- (2) for or against a public question on which the voter may vote.

SECTION 10. IC 3-11-7-11.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.5. A ballot card voting system must permit the counting of write-in votes in accordance with **IC 3-12-1-7** and IC 3-12-1-7.5.

SECTION 11. IC 3-11-7-12, AS AMENDED BY P.L.128-2015, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The commission shall:

- (1) require the vendor to have tests conducted concerning the compliance of a ballot card voting system with HAVA and the standards set forth in this chapter and IC 3-11-15; and
- (2) have the results of the tests evaluated by the person designated under IC 3-11-16;

before determining whether to approve the application for certification of a ballot card voting system.

**(b) Except as provided in subsection (c),** the tests required under this section must be performed by an independent laboratory accredited under 52 U.S.C. 20971. The vendor shall pay any testing expenses incurred under this section.

**(c) If the commission determines that it is impossible or impractical to have an independent laboratory conduct tests on a ballot card voting system, the commission may direct that the tests be conducted by any other entity approved by the commission.**

~~(c)~~ **(d)** A ballot card voting system may not be marketed, sold, leased, installed, or implemented in Indiana before the application for certification of the system is approved by the commission.

~~(d)~~ **(e)** An approval of a ballot card voting system under this chapter



1 expires on the date specified in section 19(a) of this chapter.

2 SECTION 12. IC 3-11-7-15, AS AMENDED BY P.L.169-2015,  
3 SECTION 105, IS AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) A vendor may apply for  
5 approval of a proposed improvement or change to a ballot card voting  
6 system that is currently certified by the commission. A proposed  
7 improvement or change may not be marketed, sold, leased, installed,  
8 or implemented in Indiana before the application for the improvement  
9 or change is approved by the commission.

10 (b) An application for approval of an improvement or change must  
11 be in the form prescribed by the election division.

12 (c) The vendor applying for approval of an improvement or a  
13 change must have the improvement or change to the voting system  
14 tested by an independent laboratory accredited under 52 U.S.C. 20971.  
15 **However, if the commission determines that it is impossible or**  
16 **impractical to have an independent laboratory conduct tests on a**  
17 **proposed improvement or change to a ballot card voting system,**  
18 **the commission may direct that the tests be conducted by any other**  
19 **entity approved by the commission.** The vendor shall pay any testing  
20 expenses incurred under this subsection.

21 (d) The election division (or the person designated under  
22 IC 3-11-16) shall review the proposed improvement or change to the  
23 voting system and the results of the testing by the independent  
24 laboratory under subsection (c) and report the results of the review to  
25 the commission. The review must indicate:

26 (1) whether the proposed improvement or change has been  
27 approved by an independent laboratory accredited under 52  
28 U.S.C. 20971 **or as directed by the commission under**  
29 **subsection (c);**

30 (2) whether the proposed improvement is a de minimis change or  
31 a modification;

32 (3) if the proposed improvement or change is a modification,  
33 whether the modification may be installed and implemented  
34 without any significant likelihood that the voting system would be  
35 configured or perform its functions in violation of HAVA or this  
36 title; and

37 (4) whether the proposed improvement or change would comply  
38 with HAVA and the standards set forth in this chapter and  
39 IC 3-11-15.

40 (e) After the commission has approved the application for an  
41 improvement or change (including a de minimis change) to a ballot  
42 card voting system, the improvement or change may be marketed, sold,



1 leased, installed, or implemented in Indiana.

2 (f) An approval of an application under this section expires on the  
3 date specified under section 19(a) of this chapter.

4 SECTION 13. IC 3-11-7.5-4, AS AMENDED BY P.L.128-2015,  
5 SECTION 172, IS AMENDED TO READ AS FOLLOWS  
6 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The commission shall:

7 (1) require the vendor to have tests conducted concerning the  
8 compliance of an electronic voting system with HAVA and the  
9 standards set forth in this chapter and IC 3-11-15; and

10 (2) have the results of the tests evaluated by the person designated  
11 under IC 3-11-16;

12 before determining whether to approve the application for certification  
13 of an electronic voting system.

14 (b) The tests required under this section must be performed by an  
15 independent laboratory accredited under 52 U.S.C. 20971. **However,**  
16 **if the commission determines that it is impossible or impractical to**  
17 **have an independent laboratory conduct tests on an electronic**  
18 **voting system, the commission may direct that the tests be**  
19 **conducted by any other entity approved by the commission.** The  
20 vendor shall pay any testing expenses under this section.

21 (c) If the commission finds that an electronic voting system  
22 complies with this article, the commission may approve the system.  
23 The approved system then may be adopted for use at an election.

24 (d) An electronic voting system may not be marketed, sold, leased,  
25 installed, or implemented in Indiana before the application for  
26 certification of the system is approved by the commission.

27 (e) An approval of an electronic voting system under this chapter  
28 expires on the date specified by section 28(a) of this chapter.

29 SECTION 14. IC 3-11-7.5-5, AS AMENDED BY P.L.169-2015,  
30 SECTION 107, IS AMENDED TO READ AS FOLLOWS  
31 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) A vendor may apply for  
32 approval of a proposed improvement or change to an electronic voting  
33 system that is currently certified by the commission. A proposed  
34 improvement or change may not be marketed, sold, leased, installed,  
35 or implemented in Indiana before the application for the improvement  
36 or change is approved by the commission.

37 (b) An application for approval of an improvement or a change must  
38 be in the form prescribed by the election division.

39 (c) The vendor applying for approval of an improvement or a  
40 change must have the improvement or change to the voting system  
41 tested by an independent laboratory accredited under 52 U.S.C. 20971.  
42 **However, if the commission determines that it is impossible or**



1 **impractical to have an independent laboratory conduct tests on a**  
 2 **proposed improvement or change to an electronic voting system,**  
 3 **the commission may direct that the tests be conducted by any other**  
 4 **entity approved by the commission.** The vendor shall pay any testing  
 5 expenses incurred under this subsection.

6 (d) The election division (or the person designated under  
 7 IC 3-11-16) shall review the improvement or change to the voting  
 8 system in accordance with procedures approved by the commission and  
 9 the results of the testing ~~by the independent laboratory~~ **required** under  
 10 subsection (c) and report the results of the review to the commission.

11 The review must indicate:

12 (1) whether the proposed improvement or change has been  
 13 approved by an independent laboratory accredited under 52  
 14 U.S.C. 20971;

15 (2) whether the proposed improvement or change is a de minimis  
 16 change or a modification as indicated by a report from an  
 17 independent laboratory **or by the entity designated by the**  
 18 **commission under subsection (c);**

19 (3) if the proposed improvement or change is a modification,  
 20 whether the modification may be installed and implemented  
 21 without any significant likelihood that the voting system would be  
 22 configured or perform its functions in violation of HAVA or this  
 23 title as indicated by a report from an independent laboratory; and

24 (4) whether the proposed improvement or change would comply  
 25 with HAVA and the standards set forth in this chapter and  
 26 IC 3-11-15.

27 (e) After the commission has examined and approved the  
 28 application for an improvement or change to an electronic voting  
 29 system (including a de minimis change), the improvement or change  
 30 may be marketed, sold, leased, installed, or implemented in Indiana.

31 (f) An approval of an application under this section expires on the  
 32 date specified by section 28(a) of this chapter.

33 SECTION 15. IC 3-11-7.5-10, AS AMENDED BY P.L.219-2013,  
 34 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 UPON PASSAGE]: Sec. 10. (a) **Except as provided in subsection (b),**  
 36 an electronic voting system must permit a voter to vote:

37 (1) except at a primary election, a straight party ticket for all the  
 38 candidates of one (1) political party by touching the device of that  
 39 party;

40 (2) for one (1) or more candidates of each political party or  
 41 independent candidates, or for one (1) or more school board  
 42 candidates nominated by petition;



(3) a split ticket for the candidates of different political parties and for independent candidates; or

(4) a straight party ticket and then split that ticket by casting individual votes for candidates of another political party or independent candidates.

**(b) An electronic voting system must require that a voter who wishes to cast a ballot for a candidate for election to an at-large district on a:**

**(1) county council;**

**(2) city common council;**

**(3) town council; or**

**(4) township board;**

**make a voting mark for each individual candidate for whom the voter wishes to cast a vote. The electronic voting system may not count any straight party ticket voting mark as a vote for any candidate for an office described by this subsection.**

~~(b)~~ **(c)** An electronic voting system must permit a voter to vote:

(1) for as many candidates for an office as the voter may vote for, but no more;

(2) for or against a public question on which the voter may vote, but no other; and

(3) for all the candidates for presidential electors of a political party or an independent ticket by making a single voting mark.

SECTION 16. IC 3-11-13-11, AS AMENDED BY P.L.194-2013, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The ballot information, whether placed on the ballot card or on the marking device, must be in the order of arrangement provided for ballots under this section.

(b) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on a ballot card as provided in this chapter. The county may:

(1) print all offices and questions on a single ballot card; and

(2) include a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

(c) Each type of ballot card must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners shall be listed on the ballot with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device.



IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The offices and public questions on the general election ballot must be placed on the ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2, **IC 3-11-2-12.4**, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). The offices and public questions may be listed in a continuous column either vertically or horizontally and on a number of separate pages.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate:

(1) "Vote for one (1) only.", if only one (1) candidate is to be elected to the office.

(2) "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office. **To vote for any candidate for this office, you must make a voting mark for each candidate you wish to vote for. A straight party vote will not count as a vote for any candidate for this office.**", if more than one (1) candidate is to be elected to the office.

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

(1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.

(2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.

(3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).

(4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).

(5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which





the party filed its petition of nomination under IC 3-8-6-12.

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law.

(7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent" if the:

(1) candidate; or

(2) ticket of candidates for:

(A) President and Vice President of the United States; or

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in a uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

(1) under the name of the office that the candidates are seeking;

(2) in the order established by subsection (g); and

(3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office."

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

(1) under the name of the office that the candidates are seeking; and

(2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office."

(k) The following information must be placed at the top of the ballot before the first public question is listed:

(1) The cautionary statement described in IC 3-11-2-7.

(2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and IC 3-11-2-10(e).

(l) The ballot must include a single connectable arrow, circle, oval, or square, or a voting position for voting a straight party or an



independent ticket (described in IC 3-11-2-6) by one (1) mark as required by section 14 of this chapter, and the single connectable arrow, circle, oval, or square, or the voting position for casting a straight party or an independent ticket ballot must be identified by:

- (1) the name of the political party or independent ticket (described in IC 3-11-2-6); and
- (2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each political party or independent ticket must be of uniform size and type and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 may be placed on the ballot beside or above the names and devices within the voting booth in a location that permits the voter to easily read the instructions.

(m) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a single connectable arrow, a circle, or an oval may be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot card that contains language concerning the public question other than the language authorized by a statute.

(n) The requirements in this section:

- (1) do not replace; and
- (2) are in addition to;

any other requirements in this title that apply to optical scan ballots.

(o) The procedure described in IC 3-11-2-16 must be used when a ballot does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

(p) This subsection applies to an optical scan ballot that does not list:

- (1) the names of political parties or candidates; or
- (2) the text of public questions;

on the face of the ballot. The ballot must be prepared in accordance with this section, except that the ballot must include a numbered circle or oval to refer to each political party, candidate, or public question.

SECTION 17. IC 3-11-13-14, AS AMENDED BY P.L.221-2005, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) In partisan elections, the ballot labels must include a voting square or position where a voter may by one (1)



1 **voting** mark on each card record a straight party or an independent  
 2 ticket vote for all the candidates of one (1) political party or the  
 3 independent ticket, except for offices for which the voter:

4 **(1) is required to cast an individual vote for a candidate under**  
 5 **IC 3-11-7-4(b); or**

6 **(2) has voted individually for a candidate for any other office.**

7 **(b)** If the voter records a vote for the two (2) candidates comprising  
 8 an independent ticket, the vote must not count for any other  
 9 independent candidate on the ballot.

10 SECTION 18. IC 3-11-13-31.7, AS AMENDED BY P.L.128-2015,  
 11 SECTION 193, IS AMENDED TO READ AS FOLLOWS  
 12 [EFFECTIVE UPON PASSAGE]: Sec. 31.7. (a) This section is enacted  
 13 to comply with 52 U.S.C. 21081 by establishing uniform and  
 14 nondiscriminatory standards to define what constitutes a vote on an  
 15 optical scan voting system.

16 (b) After receiving ballot cards, a voter shall, without leaving the  
 17 room, go alone into one (1) of the booths or compartments that is  
 18 unoccupied and indicate:

19 (1) the candidates for whom the voter desires to vote by marking  
 20 the connectable arrows, circles, ovals, or squares immediately  
 21 beside:

22 (A) the candidates' names; or

23 (B) the numbers referring to the candidates; and

24 (2) the voter's preference on each public question by marking the  
 25 connectable arrow, oval, or square beside:

26 (A) the word "yes" or "no" under the question; or

27 (B) the number referring to the word "yes" or "no" on the  
 28 ballot.

29 (c) If an election is a general or municipal election and a voter  
 30 desires to vote for all the candidates of one (1) political party or  
 31 independent ticket (described in IC 3-11-2-6), the voter may mark:

32 (1) the circle enclosing the device; or

33 (2) the connectable arrow, circle, oval, or square described in  
 34 section 11 of this chapter;

35 that designates the candidates of that political party or independent  
 36 ticket (described in IC 3-11-2-6). **Except as provided by**  
 37 **IC 3-11-7-4(b)**, the voter's vote shall then be counted for all the  
 38 candidates of that political party or included in the independent ticket  
 39 (described in IC 3-11-2-6). However, if the voter marks the circle,  
 40 arrow, oval, or square of an independent ticket (described in  
 41 IC 3-11-2-6), the vote shall not be counted for any other independent  
 42 candidate on the ballot.



(d) This subsection applies to a voter casting a ballot on a voting system that includes features of both an optical scan ballot card voting system and a direct record electronic voting system. After entering into a booth used with the voting system, the voter shall indicate the candidates for whom the voter desires to vote and the voter's preference on each public question by:

(1) inserting a paper ballot or an optical scan ballot into the voting system; or

(2) using headphones to listen to a recorded list of political parties, candidates, and public questions.

(e) A voter using a voting system described in subsection (d) may indicate the voter's selections by:

(1) touching a device on or in the squares immediately adjacent to the name of a political party, candidate, or response to a public question; or

(2) indicating the voter's choices by using a sip puff device that enables the voter to indicate a choice by inhaling or exhaling.

SECTION 19. IC 3-11-14-3.5, AS AMENDED BY P.L.76-2014, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. (a) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on ballot labels for use in an electronic voting system as provided in this chapter.

(b) The county may:

(1) print all offices and public questions on a single ballot label; and

(2) include a ballot variation code to ensure that the proper version of a ballot label is used within a precinct.

(c) Each type of ballot label must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners must be listed on the ballot label with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The ballot labels must list the offices and public questions on the general election ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2, **IC 3-11-2-12.4**, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c),



IC 3-11-2-14(a), and IC 3-11-2-14(d). Each office and public question may have a separate screen, or the offices and public questions may be listed in a continuous column either vertically or horizontally.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate:

(1) "Vote for one (1) only.", if only one (1) candidate is to be elected to the office.

(2) "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office. **To vote for any candidate for this office, you must make a voting mark for each candidate you wish to vote for. A straight party vote will not count as a vote for any candidate for this office.**", if more than one (1) candidate is to be elected to the office.

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

(1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.

(2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.

(3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).

(4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).

(5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law. A space for write-in voting for an office is not required if there are no declared write-in candidates for that office. However, procedures must be implemented to permit write-in voting for candidates for federal offices.



- 1           (7) The name of a write-in candidate may not be listed on the  
2           ballot.
- 3           (h) The names of the candidates grouped in the order established by  
4           subsection (g) must be printed in type with uniform capital letters and  
5           have a uniform space between each name. The name of the candidate's  
6           political party, or the word "Independent", if the:  
7           (1) candidate; or  
8           (2) ticket of candidates for:  
9           (A) President and Vice President of the United States; or  
10           (B) governor and lieutenant governor;  
11           is independent, must be placed immediately below or beside the name  
12           of the candidate and must be printed in uniform size and type.
- 13           (i) All the candidates of the same political party for election to  
14           at-large seats on the fiscal or legislative body of a political subdivision  
15           must be grouped together:  
16           (1) under the name of the office that the candidates are seeking;  
17           (2) in the party order established by subsection (g); and  
18           (3) within the political party, in alphabetical order according to  
19           surname.
- 20           A statement reading substantially as follows must be placed  
21           immediately below the name of the office and above the name of the  
22           first candidate: "Vote for not more than (insert the number of  
23           candidates to be elected) candidate(s) of ANY party for this office.".
- 24           (j) Candidates for election to at-large seats on the governing body  
25           of a school corporation must be grouped:  
26           (1) under the name of the office that the candidates are seeking;  
27           and  
28           (2) in alphabetical order according to surname.
- 29           A statement reading substantially as follows must be placed  
30           immediately below the name of the office and above the name of the  
31           first candidate: "Vote for not more than (insert the number of  
32           candidates to be elected) candidate(s) for this office.".
- 33           (k) The cautionary statement described in IC 3-11-2-7 must be  
34           placed at the top or beginning of the ballot label before the first public  
35           question is listed.
- 36           (l) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and  
37           IC 3-11-2-10(e) may be:  
38           (1) placed on the ballot label; or  
39           (2) posted in a location within the voting booth that permits the  
40           voter to easily read the instructions.
- 41           (m) The ballot label must include a touch sensitive point or button  
42           for voting a straight political party or independent ticket (described in



IC 3-11-2-6) by one (1) touch, and the touch sensitive point or button must be identified by:

- (1) the name of the political party or independent ticket; and
- (2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each party or ticket must be of uniform size and type, and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 may be placed on the ballot label or in a location within the voting booth that permits the voter to easily read the instructions.

(n) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive point or button must be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot label that contains language concerning the public question other than the language authorized by a statute.

(o) The requirements in this section:

- (1) do not replace; and
- (2) are in addition to;

any other requirements in this title that apply to ballots for electronic voting systems.

(p) The procedure described in IC 3-11-2-16 must be used when a ballot label does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

SECTION 20. IC 3-11-14-23, AS AMENDED BY P.L.128-2015, SECTION 194, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) This section is enacted to comply with 52 U.S.C. 21081 by establishing uniform and nondiscriminatory standards to define what constitutes a vote on an electronic voting system.

(b) If a voter is not challenged by a member of the precinct election board, the voter may pass the railing to the side where an electronic voting system is and into the voting booth. There the voter shall register the voter's vote in secret by indicating:

- (1) the candidates for whom the voter desires to vote by touching a device on or in the squares immediately above the candidates' names;
- (2) if the voter intends to cast a write-in vote, a write-in vote by



touching a device on or in the square immediately below the candidates' names and printing the name of the candidate in the window provided for write-in voting; and

(3) the voter's preference on each public question by touching a device above the word "yes" or "no" under the question.

(c) If an election is a general or municipal election and a voter desires to vote for all the candidates of one (1) political party or group of petitioners, the voter may cast a straight party ticket by touching that party's device. **Except as provided in IC 3-11-7.5-10(b)**, the voter's vote shall then be counted for all the candidates under that name. However, if the voter casts a vote by touching the circle of an independent ticket comprised of two (2) candidates, the vote shall not be counted for any other independent candidate on the ballot.

(d) As provided by 52 U.S.C. 21081, a voter casting a ballot on an electronic voting system must be:

(1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;

(2) provided the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and

(3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

SECTION 21. IC 3-11-15-13.3, AS AMENDED BY P.L.128-2015, SECTION 195, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13.3. (a) To be approved by the commission for use in Indiana, a voting system must meet **one (1) of the following:**

(1) The Voting System Standards adopted by the Federal Election Commission on April 30, 2002. ~~or~~

(2) The Voluntary Voting System Guidelines adopted by the United States Election Assistance Commission on December 13, 2005.

**(3) The Voluntary Voting System Guidelines adopted by the United States Election Assistance Commission, as amended on March 31, 2015.**

(b) A county may continue to use an optical scan ballot card voting system or an electronic voting system whose approval or certification expired on or before October 1, ~~2013~~, **2017**, if the voting system:

(1) was:





(A) approved by the commission for use in elections in Indiana before October 1, ~~2013~~; **2017**; and

(B) purchased **or leased** by the county before October 1, ~~2013~~; **2017**; and

(2) otherwise complies with the applicable provisions of HAVA and this article.

However, a voting system vendor may not market, sell, lease, or install a voting system described in this subsection.

(c) As provided by 52 U.S.C. 21081, to be used in an election in Indiana, a voting system must be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters.

(d) As provided by 52 U.S.C. 21081, an election board conducting an election satisfies the requirements of subsection (c) if the election board provides at least one (1) electronic voting system or other voting system equipped for individuals with disabilities at each polling place.

(e) If a voter who is otherwise qualified to cast a ballot in a precinct chooses to cast the voter's ballot on the voting system provided under subsection (d), the voter must be allowed to cast the voter's ballot on that voting system, whether or not the voter is an individual with disabilities.

SECTION 22. IC 3-12-1-5, AS AMENDED BY P.L.219-2013, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This subsection does not apply to a ballot card voting system or an electronic voting system. **Except as provided in subsection (d)**, a voting mark made by a voter on or in a voting square at the left of a candidate's name or political party's name shall be counted as a vote for the candidate or candidates of the political party.

(b) This subsection applies to a ballot card voting system. A voting mark made by a voter:

(1) on or in a circle, oval, or square; or

(2) to connect a connectable arrow;

immediately below or beside a candidate's name or political party's name shall be counted as a vote for the candidate or candidates of the political party, **except as provided in subsection (d)**.

(c) This subsection applies to a direct record electronic voting system. A voting mark made by a voter touching a touch sensitive point or button below or beside a candidate's name or political party's name shall be counted as a vote for the candidate or candidates of the



political party, **except as provided in subsection (d).**

**(d) A voter who wishes to cast a ballot for a candidate for election to an at-large district on a:**

**(1) county council;**

**(2) city common council;**

**(3) town council; or**

**(4) township board;**

**must make a voting mark for each individual candidate for whom the voter wishes to cast a vote. A straight ticket voting mark on a paper ballot, ballot card voting system, or electronic voting system shall not be counted as a straight party ticket voting mark as a vote for any candidate for an office described by this subsection.**

SECTION 23. IC 3-12-1-7, AS AMENDED BY P.L.164-2006, SECTION 124, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) This subsection applies whenever a voter:

(1) votes a straight party ticket; and

(2) votes only for one (1) or more individual candidates who are all of the same political party as the straight ticket vote.

**Except as provided in subsection (d) or (e), the straight ticket vote shall be counted and the individual candidate votes may not be counted.**

(b) This subsection applies whenever:

(1) a voter has voted a straight party ticket for the candidates of one (1) political party;

(2) only one (1) person may be elected to an office; and

(3) the voter has voted for one (1) individual candidate for the office described in subdivision (2) who is:

(A) a candidate of a political party other than the party for which the voter voted a straight ticket; or

(B) an independent candidate **or declared write-in candidate** for the office.

If the voter has voted for one (1) individual candidate for the office described in subdivision (2), the individual candidate vote for that office shall be counted, the straight party ticket vote for that office may not be counted, and the straight party ticket votes for other offices on the ballot shall be counted.

(c) This subsection applies whenever:

(1) a voter has voted a straight party ticket for the candidates of one (1) political party; and

(2) the voter has voted for more individual candidates for the office than the number of persons to be elected to that office.



The individual candidate votes for that office may not be counted, the straight party ticket vote for that office may not be counted, and the straight party ticket votes for other offices on the ballot shall be counted.

(d) This subsection applies whenever:

- (1) a voter has voted a straight party ticket for the candidates of one (1) political party;
- (2) more than one (1) person may be elected to an office; and
- (3) the voter has voted for individual candidates for the office described in subdivision (2) who are:

- (A) independent candidates **or declared write-in candidates**;
- (B) candidates of a political party other than the political party for which the voter cast a straight party ticket under subdivision (1); or
- (C) a combination of candidates described in clauses (A) and (B).

The individual votes cast by the voter for the office for the independent candidates, **declared write-in candidates**, and the candidates of a political party other than the political party for which the voter cast a straight party ticket shall be counted ~~The straight party ticket vote cast by that voter for that office shall be counted unless the total number of votes cast for the office by the voter, when adding the voter's votes for the individual candidates for the office and the voter's straight party ticket votes for the office, is greater than the number of persons to be elected to the office. If the total number of votes cast for the office is greater than the number of persons to be elected to the office, the straight party ticket votes for the office may not be counted. unless the total number of these individual votes is greater than the number of persons to be elected to the office. The straight party ticket votes for the office shall not be counted.~~ The straight party ticket votes for other offices on the voter's ballot shall be counted.

(e) This subsection applies whenever:

- (1) a voter has voted a straight party ticket for the candidates of one (1) political party;
- (2) more than one (1) person may be elected to an office; and
- (3) the voter has voted for individual candidates for the office described in subdivision (2) who are:

- (A) independent candidates, **declared write-in candidates**, or candidates of a political party other than the political party for which the voter cast a straight party ticket under subdivision (1); and
- (B) candidates of the same political party for which the voter



1 cast a straight party ticket under subdivision (1).  
 2 The individual votes cast by the voter for the office for the independent  
 3 candidates, **the declared write-in candidates**, and the candidates of  
 4 a political party other than the political party for which the voter cast  
 5 a straight party ticket, **and the candidates of the political party for**  
 6 **which the voter cast a straight party ticket** shall be counted. The  
 7 individual votes cast by the voter for the office for the candidates of the  
 8 same political party for which the voter cast a straight party ticket may  
 9 not be counted. The straight party ticket vote cast by that voter for that  
 10 office shall be counted unless the total number of votes cast for the  
 11 office by the voter, when adding the voter's votes for the individual  
 12 candidates for the office and the voter's straight party ticket vote for the  
 13 office is greater than the number of persons to be elected to the office.  
 14 If the total number of votes cast for the office is greater than the  
 15 number of persons to be elected to the office, the straight party ticket  
 16 votes for that office may not be counted: **unless the total number of**  
 17 **these individual votes is greater than the number of persons to be**  
 18 **elected to the office. The straight party ticket votes for the office**  
 19 **shall not be counted.** The straight party ticket votes for other offices  
 20 on the voter's ballot shall be counted.

21 (f) If a voter votes a straight party ticket for more than one (1)  
 22 political party, the whole ballot is void with regard to all candidates  
 23 nominated by a political party, **declared write-in candidates**, or  
 24 **candidates** designated as independent candidates on the ballot.  
 25 However, the voter's vote for a school board candidate or on a public  
 26 question shall be counted if otherwise valid under this chapter.

27 (g) If a voter does not vote a straight party ticket and the number of  
 28 votes cast by that voter for the candidates for an office are less than or  
 29 equal to the number of openings for that office, the individual  
 30 candidates votes shall be counted.

31 (h) If a voter does not vote a straight party ticket and the number of  
 32 votes cast by that voter for an office exceeds the number of openings  
 33 for that office, none of the votes concerning that office may be counted.

34 SECTION 24. IC 3-12-1-7.5 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.5. (a) If a voter  
 36 votes a straight party ticket for at least one (1) office for which only one  
 37 (1) person may be elected and writes in the name of a candidate, the  
 38 straight party ticket vote shall be counted for all offices except the  
 39 offices for which a write-in vote was cast. The write-in vote shall be  
 40 counted if the voter's intent can be determined.

41 (b) If a voter votes a straight party ticket for an office for which at  
 42 least two (2) people may be elected and writes in the name of a



candidate; the straight party vote for that office may not be counted unless:

(1) fewer candidates appear on the party's ticket than may be elected; and

(2) the voter has not written in a number of names that, when added to the straight party candidate's name, would be greater than the number of seats available for that office.

(c) (a) If a voter votes for one (1) individual candidate for an office for which only one (1) person may be elected and also writes in the name of another candidate for the same office, neither vote may be counted.

(d) (b) If a voter votes for at least one (1) individual candidate for an office for which at least two (2) people may be elected and also writes in the name of at least one (1) candidate, the vote for that office may not be counted unless the number of individual votes cast for the office, when added to the number of write-in votes cast for that office, is less than or equal to the number of seats available for that office.

(e) (c) If a voter votes an individual or a straight party vote for a candidate for an office and also writes in the name of the same candidate for the same office, only one (1) vote for that candidate may be counted.

SECTION 25. IC 3-12-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) **Except as provided in subsection (b)**, a voting mark made by a voter on or in a circle containing a political party device shall be counted as a vote for each candidate of that political party on that ballot.

(b) **A voter who wishes to cast a ballot for a candidate for election to an at-large district on a:**

(1) **county council;**

(2) **city common council;**

(3) **town council; or**

(4) **township board;**

**must make a voting mark for each individual candidate for whom the voter wishes to cast a vote. A voting mark on or in a circle containing a political party device shall not be counted as a straight party ticket voting mark as a vote for any candidate for an office described by this subsection.**

SECTION 26. **An emergency is declared for this act.**



# COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 61, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Elections.

(Reference is to SB 61 as introduced.)

LONG, Chairperson

# COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 61, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 7, delete "or".

Page 2, line 7, after "town council" insert ", **or township board**".

Page 3, line 14, delete "or".

Page 3, line 15, after "council;" insert "**or**

**(4) township board;**".

Page 7, line 17, delete "or".

Page 7, line 18, after "council;" insert "**or**

**(4) township board;**".

Page 7, line 20, delete "ballot card" and insert "**electronic**".

Page 9, line 31, delete "IC 3-11-7.5.10(b)," and insert "**IC 3-11-7.5-10(b),**".

Page 11, line 27, delete "or".

Page 11, line 28, after "council;" insert "**or**

**(4) township board;**".

Page 12, line 41, reset in roman "shall".

Page 12, line 41, after "shall" delete "may not".

Page 12, line 41, after "counted" delete ".".

ES 61—LS 6150/DI 13



Page 13, line 6, after "counted." insert **"unless the total number of these individual votes is greater than the number of persons to be elected to the office. The straight party ticket votes for the office shall not be counted."**

Page 13, line 37, after "to the office." insert **"The straight party ticket votes for the office shall not be counted."**

Page 14, line 26, after "(c)" insert **"(a)"**.

Page 14, line 26, reset in roman "If a voter votes for one (1) individual candidate for an office for".

Page 14, reset in roman lines 27 through 28.

Page 14, line 29, after "(d)" insert **"(b)"**.

Page 14, line 29, reset in roman "If a voter votes for at least one (1) individual candidate for an".

Page 14 reset in roman lines 30 through 34.

Page 14, line 35, after "(e)" insert **"(c)"**.

Page 15, line 5, delete "or".

Page 15, line 6, after "council;" insert **"or  
(4) township board;"**.

and when so amended that said bill do pass.

(Reference is to SB 61 as printed January 20, 2016.)

WALKER, Chairperson

Committee Vote: Yeas 5, Nays 4.

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#### SENATE MOTION

Madam President: I move that Senate Bill 61 be amended to read as follows:

Page 2, between lines 36 and 37, begin a new paragraph and insert:  
"SECTION 2. IC 3-11-2-12, AS AMENDED BY P.L.77-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. The following offices shall be placed on the general election ballot in the following order after the public questions described in section 10(a) of this chapter:

- (1) Federal and state offices:
  - (A) President and Vice President of the United States.
  - (B) United States Senator.
  - (C) Governor and lieutenant governor.
  - (D) Secretary of state.

ES 61—LS 6150/DI 13



- (E) Auditor of state.
- (F) Treasurer of state.
- (G) Attorney general.
- (H) Superintendent of public instruction.
- (I) United States Representative.
- (2) Legislative offices:
  - (A) State senator.
  - (B) State representative.
- (3) Circuit offices and county judicial offices:
  - (A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.
  - (B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.
  - (C) Judge of the probate court.
  - (D) Prosecuting attorney.
  - (E) Clerk of the circuit court.
- (4) County offices:
  - (A) County auditor.
  - (B) County recorder.
  - (C) County treasurer.
  - (D) County sheriff.
  - (E) County coroner.
  - (F) County surveyor.
  - (G) County assessor.
  - (H) County commissioner. This clause applies only to a county that is not subject to IC 36-2-2.5.
  - (I) Single county executive. This clause applies only to a county that is subject to IC 36-2-2.5.
  - (J) County council member, **except as provided in section 12.4 of this chapter.**
- (5) Township offices:
  - (A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).
  - (B) Township trustee.
  - (C) Township board member, **except as provided in section 12.4 of this chapter.**
  - (D) Judge of the small claims court.
  - (E) Constable of the small claims court.
- (6) City offices:
  - (A) Mayor.





- (B) Clerk or clerk-treasurer.
- (C) Judge of the city court.
- (D) City-county council member or common council member, **except as provided in section 12.4 of this chapter.**
- (7) Town offices:
  - (A) Clerk-treasurer.
  - (B) Judge of the town court.
  - (C) Town council member, **except as provided in section 12.4 of this chapter.**

SECTION 3. IC 3-11-2-12.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12.2. ~~(a)~~ Whenever candidates are to be elected to an office that includes more than one (1) district, the districts shall be placed on the ballot in alphabetical or numerical order, according to the designation given to the district.

~~(b) Whenever candidates are to be elected to an office that includes both an at-large member and a member representing a district, the candidates seeking election as an at-large member shall be placed on the ballot before candidates seeking election to represent a district.~~

SECTION 4. IC 3-11-2-12.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12.4. (a) **This section applies whenever more than one (1) candidate may be elected to an office.**

(b) **The office shall be placed on the general election ballot after the offices described in section 12 of this chapter and before the offices described in section 12.9 of this chapter.**

(c) **The ballot shall contain a statement reading substantially as follows above the name of the first candidate: "To vote for any candidate for this office, you must make a voting mark for each candidate you wish to vote for. A straight party vote will not count as a vote for any candidate for this office."**

SECTION 5. IC 3-11-2-12.9, AS AMENDED BY P.L.194-2013, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12.9. (a) School board offices to be elected at the general election shall be placed on the general election ballot after the offices described in section ~~12~~ **12.4** of this chapter with each candidate for the office designated as "nonpartisan".

(b) If the ballot contains a candidate for a school board office, the ballot must also contain a statement that reads substantially as follows: "To vote for a candidate for this office, make a voting mark on or in the square to the left of the candidate's name."."

Page 7, between lines 31 and 32, begin a new paragraph and insert: "SECTION 13. IC 3-11-13-11, AS AMENDED BY P.L.194-2013,



SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The ballot information, whether placed on the ballot card or on the marking device, must be in the order of arrangement provided for ballots under this section.

(b) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on a ballot card as provided in this chapter. The county may:

- (1) print all offices and questions on a single ballot card; and
- (2) include a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

(c) Each type of ballot card must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners shall be listed on the ballot with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The offices and public questions on the general election ballot must be placed on the ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2, **IC 3-11-2-12.4**, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). The offices and public questions may be listed in a continuous column either vertically or horizontally and on a number of separate pages.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate:

- (1) "Vote for one (1) only.", if only one (1) candidate is to be elected to the office.
- (2) "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office.", if more than one (1) candidate is to be elected to the office.

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

- (1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last



election is listed first.

(2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.

(3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).

(4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).

(5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law.

(7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent" if the:

(1) candidate; or

(2) ticket of candidates for:

(A) President and Vice President of the United States; or

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in a uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

(1) under the name of the office that the candidates are seeking;

(2) in the order established by subsection (g); and

(3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office."

(j) Candidates for election to at-large seats on the governing body



of a school corporation must be grouped:

- (1) under the name of the office that the candidates are seeking;  
and
- (2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office."

(k) The following information must be placed at the top of the ballot before the first public question is listed:

- (1) The cautionary statement described in IC 3-11-2-7.
- (2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and IC 3-11-2-10(e).

(l) The ballot must include a single connectable arrow, circle, oval, or square, or a voting position for voting a straight party or an independent ticket (described in IC 3-11-2-6) by one (1) mark as required by section 14 of this chapter, and the single connectable arrow, circle, oval, or square, or the voting position for casting a straight party or an independent ticket ballot must be identified by:

- (1) the name of the political party or independent ticket (described in IC 3-11-2-6); and
- (2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each political party or independent ticket must be of uniform size and type and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 may be placed on the ballot beside or above the names and devices within the voting booth in a location that permits the voter to easily read the instructions.

(m) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a single connectable arrow, a circle, or an oval may be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot card that contains language concerning the public question other than the language authorized by a statute.

(n) The requirements in this section:

- (1) do not replace; and
- (2) are in addition to;

any other requirements in this title that apply to optical scan ballots.



(o) The procedure described in IC 3-11-2-16 must be used when a ballot does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

(p) This subsection applies to an optical scan ballot that does not list:

- (1) the names of political parties or candidates; or
- (2) the text of public questions;

on the face of the ballot. The ballot must be prepared in accordance with this section, except that the ballot must include a numbered circle or oval to refer to each political party, candidate, or public question."

Page 9, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 16. IC 3-11-14-3.5, AS AMENDED BY P.L.76-2014, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. (a) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on ballot labels for use in an electronic voting system as provided in this chapter.

(b) The county may:

- (1) print all offices and public questions on a single ballot label; and
- (2) include a ballot variation code to ensure that the proper version of a ballot label is used within a precinct.

(c) Each type of ballot label must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners must be listed on the ballot label with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The ballot labels must list the offices and public questions on the general election ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2, **IC 3-11-2-12.4**, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). Each office and public question may have a separate screen, or the offices and public questions may be listed in a continuous column either vertically or horizontally.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed



immediately below the name of the office and above the name of the first candidate:

(1) "Vote for one (1) only.", if only one (1) candidate is to be elected to the office.

(2) "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office.", if more than one (1) candidate is to be elected to the office.

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

(1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.

(2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.

(3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).

(4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).

(5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law. A space for write-in voting for an office is not required if there are no declared write-in candidates for that office. However, procedures must be implemented to permit write-in voting for candidates for federal offices.

(7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent", if the:

(1) candidate; or

(2) ticket of candidates for:



(A) President and Vice President of the United States; or

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

(1) under the name of the office that the candidates are seeking;

(2) in the party order established by subsection (g); and

(3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office."

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

(1) under the name of the office that the candidates are seeking; and

(2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office."

(k) The cautionary statement described in IC 3-11-2-7 must be placed at the top or beginning of the ballot label before the first public question is listed.

(l) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and IC 3-11-2-10(e) may be:

(1) placed on the ballot label; or

(2) posted in a location within the voting booth that permits the voter to easily read the instructions.

(m) The ballot label must include a touch sensitive point or button for voting a straight political party or independent ticket (described in IC 3-11-2-6) by one (1) touch, and the touch sensitive point or button must be identified by:

(1) the name of the political party or independent ticket; and

(2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each party or ticket must be of uniform size and type, and arranged in the order established by subsection (g) for



listing candidates under each office. The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 may be placed on the ballot label or in a location within the voting booth that permits the voter to easily read the instructions.

(n) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive point or button must be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot label that contains language concerning the public question other than the language authorized by a statute.

(o) The requirements in this section:

- (1) do not replace; and
- (2) are in addition to;

any other requirements in this title that apply to ballots for electronic voting systems.

(p) The procedure described in IC 3-11-2-16 must be used when a ballot label does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters."

Renumber all SECTIONS consecutively.

(Reference is to SB 61 as printed January 26, 2016.)

MILLER PETE

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#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 61, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-10-1-19, AS AMENDED BY P.L.77-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the following form **described in this section** for all the offices for which candidates have qualified under IC 3-8.

**(b) The following shall be printed as the heading for the ballot for a political party:**

ES 61—LS 6150/DI 13





## "OFFICIAL PRIMARY BALLOT

\_\_\_\_\_ Party (insert the name of the political party)".

(c) The following shall be printed immediately below the heading required by subsection (b) or be posted in each voting booth as provided in IC 3-11-2-8(b):

(1) For paper ballots, print: To vote for a person, make a voting mark (X or ✓) on or in the box before the person's name in the proper column.

(2) For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column.

(3) For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column.

(4) For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

Vote for one (1) only

Representative in Congress

☐ (1) AB \_\_\_\_\_

☐ (2) CD \_\_\_\_\_

☐ (3) EF \_\_\_\_\_

☐ (4) GH \_\_\_\_\_

~~(b)~~ (d) Local public questions shall be placed on the primary election ballot after the **heading and the** voting instructions described in subsection ~~(a)~~ (c) **(if the instructions are printed on the ballot)** and before the offices described in subsection ~~(e)~~ (g).

~~(e)~~ (e) The local public questions described in subsection ~~(b)~~ (d) shall be placed **as follows**:

(1) In a separate column on the ballot if voting is by paper ballot.

(2) After the **heading and the** voting instructions described in subsection ~~(a)~~ (c) **(if the instructions are printed on the ballot)** and before the offices described in subsection ~~(e)~~ (g), in the form specified in IC 3-11-13-11 if voting is by ballot card. ~~or~~

(3) As provided by either of the following if voting is by an electronic voting system:

(A) On a separate screen for a public question.

(B) After the **heading and the** voting instructions described in subsection ~~(a)~~ (c) **(if the instructions are printed on the ballot)** and before the offices described in subsection ~~(e)~~ (g), in the form specified in IC 3-11-14-3.5.



~~(d)~~ (f) A public question shall be placed on the primary election ballot in the following form:

(The explanatory text for the public question,  
if required by law.)

"Shall (insert public question)?"

☐ YES

☐ NO

~~(e)~~ (g) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Prosecuting attorney.

(E) Circuit court clerk.

(4) County offices:

(A) County auditor.

(B) County recorder.

(C) County treasurer.

(D) County sheriff.

(E) County coroner.

(F) County surveyor.

(G) County assessor.

(H) County commissioner. This clause applies only to a county that is not subject to IC 36-2-2.5.

(I) Single county executive. This clause applies only to a county that is subject to IC 36-2-2.5.

(J) County council member.

(5) Township offices:

(A) Township assessor (only in a township referred to in



IC 36-6-5-1(d)).

(B) Township trustee.

(C) Township board member.

(D) Judge of the small claims court.

(E) Constable of the small claims court.

(6) City offices:

(A) Mayor.

(B) Clerk or clerk-treasurer.

(C) Judge of the city court.

(D) City-county council member or common council member.

(7) Town offices:

(A) Clerk-treasurer.

(B) Judge of the town court.

(C) Town council member.

~~(f)~~ **(h)** The political party offices with candidates for election shall be placed on the primary election ballot in the following order after the offices described in subsection ~~(e)~~: **(g)**:

(1) Precinct committeeman.

(2) State convention delegate.

~~(g)~~ **(i)** The local offices to be elected at the primary election shall be placed on the primary election ballot after the offices described in subsection ~~(f)~~: **(h)**.

~~(h)~~ **(j)** The offices described in subsection ~~(g)~~ **(i)** shall be placed **as follows**:

(1) In a separate column on the ballot if voting is by paper ballot;

(2) After the offices described in subsection ~~(f)~~ **(h)** in the form specified in IC 3-11-13-11 if voting is by ballot card. ~~or~~

(3) Either:

(A) on a separate screen for each office or public question; or

(B) after the offices described in subsection ~~(f)~~ **(h)** in the form specified in IC 3-11-14-3.5;

if voting is by an electronic voting system.

SECTION 2. IC 3-10-1-19.5, AS AMENDED BY P.L.190-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19.5. Notwithstanding section 19 of this chapter, the county election board may alter the prescribed ballot order to place the names of the candidates for the following offices before the names of the candidates for county judicial offices:

(1) Prosecuting attorney.

(2) Clerk of the circuit court.

(3) The county offices listed in section ~~19(c)(4)~~ **19(g)(4)** of this chapter.



SECTION 3. IC 3-11-2-8, AS AMENDED BY P.L.221-2005, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. **(a) Except as provided in subsection (b),** all written or printed instructions must be at the top of the ballot immediately below the statement required by section 7 of this chapter. No other instructions or writing may appear at any other place on the ballot, including the ballot for federal and state offices, except as specified by this title.

**(b) At the discretion of the county election board, general instructions to the voters required by this title to be placed at the front of the ballot may be posted in writing in each voting booth instead of printing the instructions on the ballot.**

**(c)** The instructions must be in English and any other language that the board considers necessary, clear, concise, and written so that a voter will not be confused about the effect of the voter's voting mark and vote."

Page 1, line 6, delete ":" and insert ", **if instructions are printed on the ballot:**".

Page 1, line 16, delete "." and insert ", **if instructions are printed on the ballot:**".

Page 2, line 15, delete "If" and insert "**Except as permitted under section 8(b) of this chapter, if**".

Page 2, line 23, delete "The" and insert "**Except as permitted under section 8(b) of this chapter, the**".

Page 10, line 34, delete "" and insert "**To vote for any candidate for this office, you must make a voting mark for each candidate you wish to vote for. A straight party vote will not count as a vote for any candidate for this office.**".

Page 15, line 24, delete "" and insert "**To vote for any candidate for this office, you must make a voting mark for each candidate you wish to vote for. A straight party vote will not count as a vote for any candidate for this office.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 61 as reprinted January 29, 2016.)

SMITH M

Committee Vote: yeas 10, nays 1.

